

DECLARATION OF DAVID J. GIARLA

Pursuant to 28 U.S.C. ¶ 1746, David J. Giarla declares and states as follows:

1. I am an owner and my trust is one of two members of Christian Foods, L.C. ("Christian Foods").
2. I am over the age of 21 and am competent to testify as to the statements set forth in this declaration.
3. Christian Foods is a Missouri limited liability company with its principal place of business in St. Charles, Missouri.
4. Christian Foods operates three McDonald's restaurant franchises: one at 299 Mid-Rivers Mall Drive in St. Peters, Missouri; another in St. Peters, Missouri; and a third in St. Charles, Missouri.
5. Christian Foods does not operate the McDonald's restaurant at 6251 Mid-Rivers Mall Drive in St. Charles County, Missouri. That restaurant is operated by my son, Chris.
6. Christian Foods is not, and never has been, a manufacturer of McDonald's French fries, hash browns or other food products. Rather, Christian Foods purchases food products from an approved McDonald's distributor and sells the food products to customers who patronize restaurants operated by Christian Foods.
7. At no time during the period 1999 to the present did I or, to the best of my knowledge, employees of Christian Foods ever know of the existence of any gluten, wheat or milk ingredients in the manufacturing process of McDonald's French fries and hash browns.

8. Christian Foods has not during the last eight years marketed or advertised McDonald's French fries, hash browns or other products as "gluten free," as "containing no gluten, wheat or milk ingredients" or as "safe for consumption by persons who are allergic to or had an intolerance for foods containing gluten, wheat and/or milk ingredients" in any magazines, newspapers, billboards, or on any television or radio shows.

9. Christian Foods does not have and has never had a website, and has never provided any input with respect to the website that is apparently maintained by McDonald's Corporation.

10. Christian Foods consents to the removal of the action styled, Miller v. McDonald's Corp., et al., from the Circuit Court of St. Charles County, Missouri to the United States District Court for the Eastern District of Missouri.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19 day of October, 2007, in ST. CHARLES, Missouri,

David J. Miller